



WILLIAM T FUJIOKA
Chief Executive Officer

County of Los Angeles CHIEF EXECUTIVE OFFICE

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November 4, 2011

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To: Mayor Michael D. Antonovich
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From: William T Fujioka
Chief Executive Officer

A handwritten signature in black ink, appearing to read "W. T. Fujioka", is written over the printed name of the Chief Executive Officer.

SACRAMENTO UPDATE - COUNTY-SPONSORED LEGISLATION

The purpose of this memorandum is to report on County-sponsored legislation, which the Sacramento advocates will pursue in the second year of the 2011-12 Legislative Session. As a result of the ongoing State fiscal crisis, the number of legislative proposals will be limited to focus primarily on issues of highest priority to the County.

The County sponsorship proposals include two initiatives continued from the first year of the 2011-12 Legislative Session relating to: 1) the expansion of job qualifications for applicants to the position of county public defender; and 2) the specification that costs of initial health assessments and forensic medical evaluations performed on children who are placed out-of-home due to suspected abuse or neglect shall be covered benefits under the Medi-Cal Program, Healthy Families Program or a licensed health care insurance plan. One proposal is a Board motion to pursue legislation to provide expedited judicial review processes for the development of projects that provide vital public services. In addition, there is a new proposal requested by the Department of Public Works, and recommended by this office, related to flood control and water conservation liability protection.

As other legislative priorities emerge based on Board actions, departmental requests, or major events in Sacramento, we will advise you and pursue as necessary.

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County-Sponsored Legislation Continued from 2011

We will continue to pursue the following County-sponsored legislation in the second year of the 2011-12 Legislative Session.

County-sponsored AB 259 (Smyth) – Qualifications for Public Defender. As amended on May 11, 2011, would expand the job qualifications for applicants to the position of county public defender to include sitting or retired judges, judicial commissioners, magistrates, referees or elected public officials. The measure failed passage in the Senate Public Safety Committee by a vote of 2 to 3 on June 21, 2011; however, the committee granted the measure reconsideration. This is a two-year bill.

County-sponsored AB 652 (Mitchell) – Children's Out-of-Home Initial Health Assessments Covered by Medi-Cal. As amended on May 10, 2011, would specify that the costs of initial health assessments and forensic medical evaluations performed on children who are placed out-of-home due to suspected abuse or neglect shall be covered benefits under the Medi-Cal Program, the Healthy Families Program, or a licensed health care insurance plan. This is a two-year bill.

Board Motions to Pursue County-Sponsored Legislation

Expedited Judicial Review Process for the Development of Projects that Provide Vital Public Services (Board Action – September 27, 2011)

We will pursue County-sponsored legislation to initiate/support legislative efforts that provide the same expedited judicial review process provided in SB 292 (Chapter 353, Statute of 2011) for the development of projects that provide vital public services, including hospitals, health clinics, fire and police/sheriff stations, communication facilities/systems, libraries, schools, transportation projects, and other vital government capital projects that serve the public interest, as well as commercial, sports, cultural, recreational and clean energy projects, pursuant to a September 27, 2011 Board-approved motion.

Under existing law, the California Environmental Quality Act (CEQA) requires a lead agency with the principal responsibility for carrying out or approving a proposed discretionary project to evaluate the environmental effects of its action and prepare a negative declaration, mitigated negative declaration, or Environmental Impact Report (EIR). If an initial study shows that the project may have a significant effect on the environment, the lead agency must prepare an EIR. A lead agency must base its determination of significant effects on substantial evidence. Current law also authorizes judicial review of CEQA actions taken by public agencies, following the agency's

decision to carry out or approve the project. Challenges alleging improper determination that a project may have a significant effect on the environment, or alleging an EIR does not comply with CEQA, must be filed in the Superior Court within 30 days of filing of the notice of approval.

SB 292 of 2011 established an expedited judicial review and specified administrative procedures for a lead agency relative to handling of the EIR, and required implementation of specified traffic and air quality mitigation measures under CEQA for the proposed downtown Los Angeles Convention Center modernization and Farmers Field Project.

The proposed County-sponsored legislation will afford counties the same expedited judicial review and administrative process provided in SB 292 in which any party with any concern could seek a judicial review directly with the Court of Appeal, bypassing the Superior Court. Once in court, both parties would be required to adhere to strict time limits provided for judicial review, which is 175 days from start to finish.

New Recommendation for County-Sponsored Legislation

Flood Control and Water Conservation Liability Protection (Requested by the Department of Public Works)

We will pursue County-sponsored legislation that provides liability protection for the Department of Public Works (DPW) in County lined and unlined channels, and adjacent spreading grounds during flood control and water conservation operations through January 1, 2018, or indefinitely if possible.

Existing law, enacted by County-sponsored AB 1903 (Chapter 633, Statutes of 2008), provides conditional liability immunity for DPW for injuries caused by the condition and use of the channels and spreading grounds during flood control and water conservation activities. However, liability protections in AB 1903 expire on January 1, 2013, and DPW indicates that legislation is needed to extend these important liability protections.

The Department of Public Works indicates that the County relies on the underground water supply for local water sustainability for the growing population. Flows from the State Water Project, Colorado River, local watersheds, water districts and sanitation districts are routed through the channels and captured at spreading grounds for local infiltration into the groundwater basins. Flood control and water conservation are integral to effective water resources management and liabilities arising from the groundwater replenishment process threatens to restrict and jeopardize the

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sustainability of local water supply. Therefore, continued liability protections in AB 1903 for flood control and water conservation operations are critical for the County.

The proposed legislation is also consistent with County-supported AB 2023 (Chapter 659, Statutes of 1998) and County-sponsored AB 92 (Chapter 756, Statutes of 2001), both of which provided the same conditional immunity from liability through January 1, 2002 and January 1, 2007, respectively.

We will continue to keep you advised.

WTF:RA
MR:OR:GA:sb

c: All Department Heads
Legislative Strategist
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Coalition of County Unions
California Contract Cities Association
Independent Cities Association
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